

Res. 754, designating November 13, 2022, as “National Warrior Call Day” in recognition of the importance of connecting warriors in the United States to support structures necessary to transition from the battlefield.

TEXT OF AMENDMENTS DECEMBER 7, 2022

SA 6507. Ms. HASSAN (for Mr. GRASSLEY) proposed an amendment to the bill S. 3316, to provide for certain whistleblower incentives and protections; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Anti-Money Laundering Whistleblower Improvement Act”.

SEC. 2. WHISTLEBLOWER INCENTIVES AND PROTECTIONS.

(a) IN GENERAL.—Section 5323 of title 31, United States Code, as amended by section 6314 of the Anti-Money Laundering Act of 2020 (division F of Public Law 116-283) is amended by striking subsection (b) and inserting the following:

“(b) AWARDS.—

“(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Secretary, under regulations prescribed by the Secretary, in consultation with the Attorney General and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the employer of the individual, the Secretary, or the Attorney General, as applicable, that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

“(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

“(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

“(2) PAYMENT OF AWARDS.—

“(A) IN GENERAL.—Any amount paid under paragraph (1) shall be paid from the Fund established under paragraph (3).

“(B) RELATED ACTIONS.—The Secretary may pay awards less than the amount described in paragraph (1)(A) for related actions in which a whistleblower may be paid by another whistleblower award program.

“(3) SOURCE OF AWARDS.—

“(A) IN GENERAL.—There shall be established in the Treasury of the United States a revolving fund to be known as the Financial Integrity Fund (referred to in this subsection as the ‘Fund’).

“(B) USE OF FUND.—The Fund shall be available to the Secretary, without further appropriation or fiscal year limitations, only for the payment of awards to whistleblowers as provided in subsection (b).

“(C) RESTRICTIONS ON USE OF FUND.—The Fund shall not be available to pay any personnel or administrative expenses.

“(4) DEPOSITS AND CREDITS.—

“(A) IN GENERAL.—There shall be deposited into or credited to the Fund an amount equal to—

“(i) any monetary sanction collected by the Secretary or Attorney General in any judicial or administrative action under this title, chapter 35 or section 4305 or 4312 of title 50, or the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), unless the balance of the Fund at the time the monetary sanction is collected exceeds \$300,000,000; and

“(ii) all income from investments made under paragraph (5).

“(B) ADDITIONAL AMOUNTS.—If the amounts deposited into or credited to the Fund under subparagraph (A) are not sufficient to satisfy an award made under this subsection, there shall be deposited into or credited to the Fund an amount equal to the unsatisfied portion of the award from any monetary sanction collected by the Secretary of the Treasury or Attorney General in the covered judicial or administrative action on which the award is based.

“(C) EXCEPTION.—No amounts to be deposited or transferred into the United States Victims of State Sponsored Terrorism Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144) or the Crime Victims Fund pursuant section 1402 of the Victims of Crime Act of 1984 (34 U.S.C. 20101) shall be deposited into or credited to the Fund.

“(5) INVESTMENTS.—

“(A) AMOUNTS IN FUND MAY BE INVESTED.—The Secretary of the Treasury may invest the portion of the Fund that is not required to meet the current needs of the Fund.

“(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Secretary.

“(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5323 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraphs (1) and (5), by striking “this subchapter or subchapter III” each place the term appears and inserting “this subchapter, chapter 35 or section 4305 or 4312 of title 50, the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), or .), and for conspiracies to violate the aforementioned provisions”; and

(B) in paragraph (4)—

(i) by inserting “covered” after “respect to any”; and

(ii) by striking “under this subchapter or subchapter III”; and

(iii) by striking “action by the Secretary or the Attorney General” and inserting “covered action”; and

(2) in subsection (c)(1)(B)(iii)—

(A) by striking “subchapter and subchapter III” and inserting “this subchapter, chapter 35 or section 4305 or 4312 of title 50, and the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.)”; and

(B) by striking “either such subchapter” and inserting “the covered judicial or administrative action”; and

(3) in subsection (g)(4)(D)(i), by inserting “chapter 35 or section 4305 or 4312 of title 50, or the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.),” after “subchapter,”.

SA 6508. Ms. HASSAN (for Mrs. SHAHEEN) proposed an amendment to the resolution S. Res. 754, designating November 13, 2022, as “National Warrior Call Day” in recognition of the importance of connecting warriors in the United States to support structures necessary to transition from the battlefield; as follows:

Strike the preamble and insert the following:

Whereas establishing an annual “National Warrior Call Day” will draw attention to the

members of the Armed Forces whose connection to one another is key to the veterans and first responders in the United States who may be dangerously disconnected from family, friends, and support systems;

Whereas the rate of suicide for members of the Armed Forces serving on active duty increased from 20.3 per 100,000 individuals in 2015 to 28.7 per 100,000 individuals in 2020;

Whereas the suicide rate for veterans has steadily increased since 2006, with 6,261 veterans dying by suicide in 2019;

Whereas, after adjusting for sex and age, the rate of veteran suicide in 2019 was 31.6 per 100,000 individuals, substantially higher than the rate among adults in the United States who are not veterans at 16.8 per 100,000 individuals;

Whereas more veterans have died by suicide in the last 10 years than members of the Armed Forces who died from combat in Vietnam;

Whereas many of the veterans who died by suicide had no contact with the Department of Veterans Affairs;

Whereas the Coronavirus Disease 2019 (COVID-19) pandemic continues to lead to increased isolation and disconnection, further exacerbating mental and physical ailments such as post-traumatic stress disorder and traumatic brain injury;

Whereas invisible wounds linked to an underlying and undiagnosed traumatic brain injury can mirror many mental health conditions, a problem that can be addressed through appropriate medical treatment;

Whereas additional research is needed to highlight the connection between traumatic brain injury as a root cause of invisible wounds and suicide by members of the Armed Forces and veterans; and

Whereas November 13, 2022, would be an appropriate day to designate as “National Warrior Call Day”: Now, therefore, be it

AMENDMENTS SUBMITTED AND PROPOSED

SA 6509. Mr. CARDIN (for Mr. DURBIN (for himself and Mr. CASSIDY)) proposed an amendment to the bill S. 2834, to amend title XVII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program.

SA 6510. Mr. CARDIN (for Ms. HASSAN) proposed an amendment to the bill H.R. 7535, to encourage the migration of Federal Government information technology systems to quantum-resistant cryptography, and for other purposes.

SA 6511. Mr. CARDIN (for Mr. RUBIO) proposed an amendment to the bill S. 4216, to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

TEXT OF AMENDMENTS

SA 6509. Mr. CARDIN (for Mr. DURBIN (for himself and Mr. CASSIDY)) proposed an amendment to the bill S. 2834, to amend title XVII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Dr. Joanne Smith Memorial Rehabilitation Innovation Centers Act of 2022”.

SEC. 2. PRESERVING ACCESS TO REHABILITATION INNOVATION CENTERS UNDER MEDICARE.

(a) IN GENERAL.—Section 1886(j)(7)(E) of the Social Security Act (42 U.S.C. 1395ww(j)(7)(E)) is amended—

(1) by striking “PUBLIC AVAILABILITY OF DATA SUBMITTED.—The” and inserting “PUBLIC AVAILABILITY OF DATA SUBMITTED.—

“(i) IN GENERAL.—The”; and

(2) by inserting after clause (i), as redesignated by paragraph (1), the following new clauses:

“(ii) PUBLIC RECOGNITION OF REHABILITATION INNOVATION CENTERS.—Beginning not later than 18 months after the date of the enactment of this clause, the Secretary shall make publicly available on such Internet website, in addition to the information required to be reported on such website under clause (i), a list of all rehabilitation innovation centers, and shall update such list on such website not less frequently than biennially.

“(iii) REHABILITATION INNOVATION CENTERS DEFINED.—For purposes of clause (ii), the term ‘rehabilitation innovation centers’ means a rehabilitation facility that, as of the applicable date (as defined in clause (v)), is a rehabilitation facility described in clause (iv).

“(iv) REHABILITATION FACILITY DESCRIBED.—

“(I) IN GENERAL.—Subject to subclause (II), a rehabilitation facility described in this clause is a rehabilitation facility that—

“(aa) is classified as a rehabilitation facility under the IRF Rate Setting File for the Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2019 (83 Fed. Reg. 38514), or any successor regulations that contain such information;

“(bb) holds at least one Federal rehabilitation research and training designation for research projects on traumatic brain injury or spinal cord injury from the National Institute on Disability, Independent Living, and Rehabilitation Research at the Department of Health and Human Services, based on such data submitted to the Secretary by a facility, in a form, manner, and time frame specified by the Secretary;

“(cc) submits to the Secretary a description of the clinical research enterprise of the facility and a summary of research activities of the facility that are supported by Federal agencies;

“(dd) has a minimum Medicare estimated average weight per discharge of 1.20 for the most recent fiscal year for which such information is available according to the IRF Rate Setting File described in item (aa), or any successor regulations that contain such information; and

“(ee) has a minimum teaching status of 0.075 for the most recent fiscal year for which such information is available according to the IRF Rate Setting File described in item (aa), or any successor regulations that contain such information.

“(II) WAIVER.—The Secretary may, as determined appropriate, waive any of the requirements under items (aa) through (ee) of subclause (I).

“(v) APPLICABLE DATE DEFINED.—For purposes of clauses (iii) and (iv), the term ‘applicable date’ means—

“(I) with respect to the initial publication of a list under clause (ii), the date of the enactment of such clause; and

“(II) with respect to the publication of an updated list under clause (ii), a date specified by the Secretary that is not more than one year prior to the date of such publication.

“(vi) IMPLEMENTATION.—Notwithstanding any other provision of law the Secretary may implement clauses (ii) through (v) by program instruction or otherwise.

“(vii) NONAPPLICATION OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to data collected under clauses (ii) through (v).”

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services—

(1) shall submit to Congress a report containing any recommendations on action as the Secretary determines appropriate to preserve access to rehabilitation innovation centers (as defined in section 1886(j)(7)(E)(iii) of the Social Security Act, as added by subsection (a)); and

(2) may, in the report described in paragraph (1), as permitted by law, disseminate research, best practices, and other clinical information identified or developed by such rehabilitation innovation centers, as determined appropriate by the Secretary.

SA 6510. Mr. CARDIN (for Ms. HASSAN) proposed an amendment to the bill H.R. 7535, to encourage the migration of Federal Government information technology systems to quantum-resistant cryptography, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Quantum Computing Cybersecurity Preparedness Act”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Cryptography is essential for the national security of the United States and the functioning of the economy of the United States.

(2) The most widespread encryption protocols today rely on computational limits of classical computers to provide cybersecurity.

(3) Quantum computers might one day have the ability to push computational boundaries, allowing us to solve problems that have been intractable thus far, such as integer factorization, which is important for encryption.

(4) The rapid progress of quantum computing suggests the potential for adversaries of the United States to steal sensitive encrypted data today using classical computers, and wait until sufficiently powerful quantum systems are available to decrypt it.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a strategy for the migration of information technology of the Federal Government to post-quantum cryptography is needed; and

(2) the governmentwide and industrywide approach to post-quantum cryptography should prioritize developing applications, hardware intellectual property, and software that can be easily updated to support cryptographic agility.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term “agency”—

(A) means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

(B) does not include—

(i) the Government Accountability Office; or

(ii) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions.

(2) CLASSICAL COMPUTER.—The term “classical computer” means a device that accepts digital data and manipulates the information based on a program or sequence of instructions for how data is to be processed

and encodes information in binary bits that can either be 0s or 1s.

(3) DIRECTOR OF CISA.—The term “Director of CISA” means the Director of the Cybersecurity and Infrastructure Security Agency.

(4) DIRECTOR OF NIST.—The term “Director of NIST” means the Director of the National Institute of Standards and Technology.

(5) DIRECTOR OF OMB.—The term “Director of OMB” means the Director of the Office of Management and Budget.

(6) INFORMATION TECHNOLOGY.—The term “information technology” has the meaning given the term in section 3502 of title 44, United States Code.

(7) NATIONAL SECURITY SYSTEM.—The term “national security system” has the meaning given the term in section 3552 of title 44, United States Code.

(8) POST-QUANTUM CRYPTOGRAPHY.—The term “post-quantum cryptography” means those cryptographic algorithms or methods that are assessed not to be specifically vulnerable to attack by either a quantum computer or classical computer.

(9) QUANTUM COMPUTER.—The term “quantum computer” means a computer that uses the collective properties of quantum states, such as superposition, interference, and entanglement, to perform calculations.

SEC. 4. INVENTORY OF CRYPTOGRAPHIC SYSTEMS; MIGRATION TO POST-QUANTUM CRYPTOGRAPHY.

(a) INVENTORY.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Director of OMB, in coordination with the National Cyber Director and in consultation with the Director of CISA, shall issue guidance on the migration of information technology to post-quantum cryptography, which shall include at a minimum—

(A) a requirement for each agency to establish and maintain a current inventory of information technology in use by the agency that is vulnerable to decryption by quantum computers, prioritized using the criteria described in subparagraph (B);

(B) criteria to allow agencies to prioritize their inventory efforts; and

(C) a description of the information required to be reported pursuant to subsection (b).

(2) ADDITIONAL CONTENT IN GUIDANCE.—In the guidance established by paragraph (1), the Director of OMB shall include, in addition to the requirements described in that paragraph—

(A) a description of information technology to be prioritized for migration to post-quantum cryptography; and

(B) a process for evaluating progress on migrating information technology to post-quantum cryptography, which shall be automated to the greatest extent practicable.

(3) PERIODIC UPDATES.—The Director of OMB shall update the guidance required under paragraph (1) as the Director of OMB determines necessary, in coordination with the National Cyber Director and in consultation with the Director of CISA.

(b) AGENCY REPORTS.—Not later than 1 year after the date of enactment of this Act, and on an ongoing basis thereafter, the head of each agency shall provide to the Director of OMB, the Director of CISA, and the National Cyber Director—

(1) the inventory described in subsection (a)(1); and

(2) any other information required to be reported under subsection (a)(1)(C).

(c) MIGRATION AND ASSESSMENT.—Not later than 1 year after the date on which the Director of NIST has issued post-quantum cryptography standards, the Director of OMB shall issue guidance requiring each agency to—